



B-13-04

RCE

PTO/SB/30 (09-04)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/939,863
Filing Date	08/27/2001
First Named Inventor	Michael Milbocker
Art Unit	3738
Examiner Name	Prebilic, Paul B.
Attorney Docket Number	Praxis-3 (PSD 108)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☒ Consider the arguments in the Appeal Brief or Reply Brief previously filed on August 11 2004
- ii. ☒ Other IDS of same date
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. (being established). I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other excess independent claim
- b. ☒ Check in the amount of \$ 929.5 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	10/11/2004
Name (Print/Type)	Francis H Kirkpatrick	Registration No.	35,219

CERTIFICATE OF MAILING OR TRANSMISSION		EXPRESS	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below: <u>ER 6576 64 265 W</u>			
Signature		Date	10/12/2004
Name (Print/Type)	Francis H Kirkpatrick	Date	10/12/2004

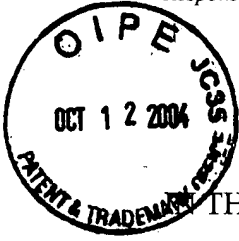
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/14/2004 JBALINAH 00000102 09939863

01 FC:2801

395.00 OP



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Milbocker Atty. Docket No: Praxis-3
Application Number: 09/939,863 Art Unit: 3738
Filing Date: 08/27/2001 Examiner: Prebilic, Paul B.
Confirmation Number: 7242
For: Surgical Repair of Tissue Defects

REQUEST FOR CONTINUING EXAMINATION AND RESPONSE TO
OUTSTANDING ITEMS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to the advisory action of 9/15/2004, rejecting applicant's amendment after final. Applicant herewith files a Request for Continuing Examination and the appropriate fee. Entry of the previous response, including the proposed claim amendments and the proposed amendment to the specification, is requested. The pending claims are preliminarily amended (below).

Entry of the IDS submitted August 11, 2004, that was not entered, is requested under 37.1.97 (b) (4), under which it is believed that the IDS can be entered along with submission of this RCE without additional fee.

10/14/2004 JBALINAN 00000102-09939863

02 FC:2253

490.00 OP

10/14/2004 JBALINAN 00000102-09939863

03 FC:2201

44.00 OP